

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/31/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 03/17, 03/26, 03/31

Vote:

Yeas: 7 - Buehler, Fagan, Holvey, McLain, Nearman, Rayfield, Stark

Prepared By: Wendy Simons, Committee Administrator

WHAT THE MEASURE DOES:

Requires that caller using automatic dialing and announcing device must provide, within first 10 seconds, method for subscriber being called to notify caller via a single signal or code that subscriber does not wish to receive future calls. Requires caller using automatic dialing and announcing device to exclude from call list subscribers who notified caller of wish not to receive future calls. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation. Applies to calls made on or after January 1, 2016. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Citizens' experiences in weeks preceding 2014 election
- Constitutionality of requiring callers to identify themselves

EFFECT OF COMMITTEE AMENDMENT:

Requires that callers using an automatic dialing and announcing device must provide, within first 10 seconds, a method for subscriber to opt out of future calls from caller. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation.

BACKGROUND:

The Federal Communications Commission (FCC) defines "robocalls" as unsolicited prerecorded telemarketing calls to landline home telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. FCC rules require a business to obtain a consumer's written consent, or a recording of a consumer's oral consent, before making prerecorded telemarketing calls to a residential phone number or prerecorded telemarketing calls or texts to a wireless number. Other types of autodialed calls to landline phones are not prohibited, including informational messages such as school closings, market research or polling calls, and calls on behalf of tax-exempt nonprofit groups. FCC rules require all prerecorded calls to identify the caller at the beginning of the message and include a contact phone number. All autodialed or prerecorded non-emergency calls to wireless phones are prohibited without prior consent, regardless of content.

House Bill 3031-A provides that callers using automatic dialing and announcing devices must provide, within first 10 seconds, a method for subscriber to opt out of future calls from caller. Callers may not use automatic dialing and announcing devices unless they exclude subscribers who have notified the caller that they do not want future calls. Violations of state laws governing robocalls are subject to enforcement by the Attorney General or district attorney.